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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-fifth session

SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais Wilson, Geneva,
on Monday, 7 May 2001, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 3 p.m.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 5) (continued)

General discussion devoted to economic, social and cultural rights in the development-related activities of international institutions (continued)

First session: international institutions and the International Covenant on Economic, Social and Cultural Rights (continued)

1. The CHAIRPERSON invited members of the Committee and representatives of organizations to make comments on the statements made at the previous meeting.

2. Mr. ALLMAND (Rights and Democracy) said that the international human rights Covenants, when taken in conjunction with the instruments establishing the International Monetary Fund, the World Bank and the World Trade Organization, led to the conclusion that human rights took precedence over agreements on trade, investment, etc. Indeed, Article 103 of the Charter of the United Nations stipulated that "in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail". Similarly, it was clear from the 1969 Vienna Convention on the Law of Treaties that respect for human rights was a rule of jus cogens which per se took precedence over all else. The question then arose of how to ensure acceptance of that principle. The best solution would be for it to be politically recognized by States, but it was doubtful whether that would happen in the near future. He therefore suggested that, for the time being, an official interpretation of the principle of the primacy of human rights should be sought, for example, from the International Court of Justice. That would not solve all problems, but the opinion of an internationally recognized judicial body would undoubtedly give further impetus to the movement initiated by civil society to recognize the primacy of human rights over trade and investment agreements.

3. Mr. WINDFUHR (Food First Action and Information Network), referring to the role of intergovernmental organizations, said that the aid they contributed to poor States should be multifaceted and that they should encourage government institutions to take a human rights-oriented approach. In so doing, they should ensure that their own policies did not undermine the ability of States to implement the Covenant or the possibility of peoples to exercise to the full their economic, social and cultural rights. How often the Committee, in its continuing dialogue with States parties, had heard delegations say that the exercise of a particular right came into conflict with the conditions with which the Government must comply under the macroeconomic policies prescribed by intergovernmental organizations. There was a need to find a system to enable civil society and the intergovernmental organizations themselves to know whether the policies prescribed benefited or were detrimental to human rights. He agreed with the representative of the World Bank that generalizations must be avoided and that the impact of

a given policy on human rights could be measured on a case-by-case basis only. The World Bank's Inspection Panel, however, was not always efficient and it might perhaps be necessary to consider setting up an independent body accessible to civil society and empowered to examine the impact of aid programmes on respect for human rights.

4. Mr. SFEIR-YOUNIS (World Bank) noted that a number of human rights concepts were developing but feared that it was not always possible to know how to take them into account in drawing up programmes. For example, it was not clear how the right to development should be incorporated in the formulation of macroeconomic policies or how the real impact of those policies on respect for human rights should be analysed. As far as the Inspection Panel was concerned, he admitted that as a World Bank body it did not perhaps have all the necessary competences to carry out the monitoring the representative of Food First Action had referred to. It would perhaps be possible to resort to the mechanisms habitually employed in human rights, in particular special rapporteurs.

5. Mr. SADI, replying to the representative of the Work Bank on the difficulty of establishing a link between macroeconomic policies and human rights, proposed that programmes that had already been implemented should be used as criteria. If a policy prescribed by an international financial institution led to large-scale unemployment, housing problems or worsening poverty, those results would provide adequate criteria for concluding that the policy in question was detrimental to human rights.

6. Mr. SFEIR-YOUNIS (World Bank) stressed the need to be aware of the fact that no price policy and no budget or trade policy could be implemented without adverse effects on some strata of the population. What was important for the World Bank was that its effects should be positive for society as a whole.

Second session: possible advances in economic, social and cultural rights

7. The CHAIRPERSON announced that the introductory statements for the session would be made by Mr. Texier and a representative of the International Monetary Fund.

8. Mr. TEXIER said that, on the basis of a few simple observations, he would like to clarify the discussion on the prospects for better integrating economic, social and cultural rights into the cooperation programmes and financial policies of intergovernmental organizations. His first observation was that there was a high level of coincidence between States which had ratified the Covenant and States which were members of international financial institutions. As a result, the obligations accepted individually by States should also be incumbent on them collectively as members of international organizations. The Committee had recalled that principle in its General Comment No. 12 on the right to adequate food, No. 13 on the right to education and No. 14 on the right to health. Similarly, in a recent statement on poverty and the Covenant, the Committee asserted that "anti-poverty policies are more likely to be effective, sustainable, inclusive, equitable and meaningful to those living in poverty if they are based upon international human rights. For this to occur, human rights need to be taken into account in all relevant policy-making processes".

9. The second observation was drawn from the Committee's experience in considering reports submitted by States parties: the macroeconomic policies introduced by the financial institutions (privatization of whole sectors of the economy, cutting-back of social budgets, payment of external debt and reduction of inflation) not only did not always contribute to the realization of economic, social and cultural rights, but often had adverse effects on the rights of the poorest populations. For that reason such policies should be the result of broad-based consultation between the financial institutions and the States concerned, which should associate their own populations with them. At no time should States lose sight of the obligations they had accepted when they ratified the Covenant.

10. The third observation was that all bodies responsible for ensuring respect for human rights asserted the need for financial organizations to take economic, social and cultural rights into account in their policies. The Commission on Human Rights in its resolution 2001/27 on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights affirmed that "the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment polices, growth programmes and economic reforms arising from the debt". All the special rapporteurs on questions relating to economic, social and cultural rights had produced a similar analysis, expressed in different forms but with a single clear philosophy - that taking human rights into account must be the basis for all international cooperation programmes and all financial policies.

11. The fourth observation was that, in the face of the convergence of the views of the human rights institutions, the attitude of the development agencies had changed for the good while the financial institutions had also shown signs of a very encouraging change of direction. The United Nations Development Programme (UNDP) was emphasizing human rights in its development policies while the World Bank had set a target of eradicating poverty throughout the world. The International Monetary Fund (IMF) for its part had recently established the Poverty Reduction and Growth Facility (PRGF), intended to foster sustainable growth in developing countries.

12. In conclusion, he recalled that one of the goals of the discussion was to pursue a dialogue based on two approaches which were perhaps contradictory in appearance only - one being macroeconomic and based on aid to growth, while the other was based essentially on the distribution of created wealth and its consequences for all human rights. The Committee hoped that the dialogue would continue and acquire deeper dimensions, since it believed that the long-term effectiveness of aid programmes was closely bound up with the incorporation in them of economic, social and cultural rights.

13. Mr. GIANVITI (International Monetary Fund) said that the fundamental issues were whether the Fund was legally required to give effect to the provisions of the Covenant and whether the objectives stemming from its mandate were by and large compatible with the rights set out in the Covenant. He recalled that the specialized agencies had been invited to take part in the negotiations to draw up the Covenant and that the Fund had declined the invitation because it seemed that its Articles of Agreement did not permit activities of that type. The Fund was not a development agency required to finance health or education projects, but rather an institution with a dual mandate: supervising the international monetary system, and contributing monetary

aid to countries with balance-of-payments difficulties. In other words, the Fund's activities had nothing to do with the economic, social and cultural rights of individuals and its mandate was not to ensure that they were effectively exercised. Further, the Fund's articles stipulated clearly that its resources could be used only to help States to make good their payment deficits, thus promoting monetary stability.

14. That said, both the articles and the activities and policies of the Fund had evolved. Firstly, while members continued to have access, on an equal footing, to the Fund's resources to solve balance-of-payments problems, various facilities had been established for the express purpose of helping developing countries. Secondly, the Fund currently recognized the need to pay particular attention to the poorest countries, although still in the form of support for their balance of payments. Thirdly, the Fund's role had changed: from guardian of the stability of exchange rates it had become, in a manner of speaking, a supervisor of the monetary, economic and financial policies of member States.

15. Three objections could be raised to the applicability to the Fund of the International Covenant on Economic, Social and Cultural Rights: IMF was not a party to the Covenant and only parties to a treaty had obligations; the Covenant created obligations only for States and not for international organizations; in accordance with article 24 of the Covenant, nothing in the Covenant should be interpreted as impairing the constitutions of the specialized agencies which defined the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the Covenant.

16. There were those who maintained, however, that the Fund was bound by the Covenant, and that it had direct effects on IMF. There were two reasons for that belief: the Fund was a United Nations agency and the Covenant was part of the jus cogens applicable to all States and all agencies. The Fund was, in fact, a specialized agency within the meaning of the Charter of the United Nations and not an instrument in the service of the United Nations. It had signed a cooperation agreement with the latter which recognized it as an independent organization. Moreover, if the Fund was legally bound by the Covenant, article 24 of the Covenant would be meaningless. Lastly, States which had not acceded to the Covenant did not consider that it was part of jus cogens or that it was legally binding on them.

17. Others considered that if IMF was not bound by the Covenant, its members nevertheless were. They put forward two types of argument. Firstly, the members of the Fund, as decision makers, should ensure, through IMF, that they met the obligations which the Covenant imposed on them. Secondly, when the Fund dealt with a State party to the Covenant, it should not encourage that State to violate its obligations. As far as the first point was concerned, the obligations devolving on the members of the Fund as parties to the Covenant were bilateral only in scope. Even admitting that members had obligations, they had assigned resources to IMF for specific purposes. Under the Fund's Articles of Agreement, such resources must be used for those purposes only and no other. There was therefore very limited room for manoeuvre. Regarding the second point, namely, that IMF should not induce a State to fail to meet its obligations under the Covenant, it should be stressed that it was easy for some countries to hold

the international organizations responsible for their problems when such problems were in fact the result of their mismanagement of public affairs. It was not easy for the international organizations to choose which the policies to adopt. Some areas had necessarily to be sacrificed. When IMF provided a country with assistance, it did so not only in that country's interest but also in the interest of the entire international community, for example, to avoid an excessive depreciation which could have repercussions on other countries.

18. The Fund was in no sense bound by the Covenant, but it did take it into account in drawing up its programmes. Some of its legal bases coincided with the Covenant's objectives. In the sphere of supervision, for example, the second amendment to the Articles of Agreement stressed the need to promote economic growth insofar as it did not call into question the stability of exchange rates. However, under its articles, the Fund must not intervene in countries' social policies. As far as financial assistance was concerned, IMF furnished resources to its members to let them resolve their balance-of-payments problems without resorting to measures which undermined national or international prosperity. However, the Fund did look to the social impact of its financial aid policy. It also paid particular attention to the special needs of the poorest countries. In that regard it worked in close collaboration with the World Bank. In conclusion, he said that countries should not be satisfied with expressing their attachment to human rights and the Covenant. They should also have the political will to take the necessary steps to recognize and promote those rights.

19. Mr. TROJAN (European Commission) noted that there was a need to ensure the consistency of national and international policies, since in an increasingly interdependent world the activities of the main actors inevitably had economic, social, environmental and even cultural repercussions on other countries. In order to define more consistent policies internationally, increased international cooperation and coordination were necessary, along with a greater depth of dialogue with development NGOs and civil society, which were sources of information and valuable partners in dialogue.

20. It was difficult to assess accurately the impact of globalization and trade liberalization, in particular with regard to the full enjoyment of human rights, but it was clear that there were links between trade, development and human rights. Of the latter, economic, social and cultural rights had as much importance as civil and political rights.

21. In a world characterized by economic globalization, respect for human rights, particularly the right to development, was by force of circumstance a matter of international responsibility. The European Union, a unique model of regional integration, practised controlled liberalization so that economic globalization would not adversely affect its social model. Political will was required to that end, along with common objectives and consistent policies, strong solidarity and a solid system of governance, all elements which were largely lacking at the world level. The European Union attached great importance to human rights, as the recent adoption of the Charter of Fundamental Rights testified. Its development policy was based on the principle of sustainable, fair and participatory human and social development, and the promotion of human rights was an integral part of it.

22. The real question which arose at the international and national levels was how human rights were to be integrated into development cooperation policies. If progress was to be made in economic, social and cultural rights, a world system of governance must be established based on a spirit of initiative, consistency and solidarity.

23. It would be counterproductive to call into question regulations facilitating world market expansion. Better control of globalization was required through support for initiatives to combat poverty, realize social objectives and promote sustainable development. Remedying existing imbalances required more action, regulation and consultation at the world level, not less. The debate on the adverse effects of globalization had focused on WTO, which had been subjected to contradictory pressures from civil society. For some, the organization should intervene more in the areas of the environment, health and labour standards. For others, its interference in national legislation was the source of all the planet's evils. Naturally, neither view was correct. Globalization could not be controlled by WTO alone. Although it was predominantly a trade organization, its objectives were not exclusively economic. Its basic objectives included sustainable development and equitable growth. It was an organization based on consensus, whose members, three quarters of which were developing countries, were the decision-makers. Its effectiveness lay in the settlement of disputes.

24. The case law of the Dispute Settlement Body indicated that it did not permit commercial rights to predominate over essential environmental and health matters and did not depart from the Vienna Convention where the interpretation of treaties was concerned; that meant that WTO's rights and obligations would not impair the human rights conventions. The organization's rules, moreover, left countries sufficient leeway to avoid the adverse effects that trade could have on the realization of human rights. It was nonetheless the case that there were instances of potential conflict in the spheres of sustainable development and health, where certain questions required clarification (relationships with multilateral environmental agreements, the precautionary principle, the Agreement on Trade-Related Aspects of Intellectual Property Rights). Those questions had been included in the European Union's programme for a new round of negotiations.

25. While WTO could make a better contribution to the full enjoyment of human rights, in particular the right to development, it could not by itself eradicate poverty or create the conditions for sustainable development, nor could it deal with the broader questions of governance. The Dispute Settlement Body had been set up to find practical solutions to commercial conflicts and not to conflicts of a completely different type. It was important, rather, to restore the balance of the international system of governance by strengthening its social base and concentrating on development cooperation, which would involve increased coordination and cooperation among the Bretton Woods institutions, the United Nations and the World Trade Organization, but also among the specialized agencies and with donor States. The task would not be easy in view of the specialization of international governance, with each organization pursuing its own objective and with no mechanisms to ensure coherence or offer arbitration at the international level or within Governments. Organizations could not, moreover, replace Governments. The European Union had established the European Council with the role

of giving a direction to policies, ensuring their coherence and providing arbitration. That formula could be used as the basis for a globalization summit. Meanwhile, there was a need for concerted action - involving international organizations and Governments - whenever the objective to be achieved exceeded a single organization's capacity for action. In any event the realization of the right to development required a considerably more structured effort internationally.

26. Mr. MUNZU (United Nations Development Programme) said that, for the Programme, the concept of sustainable human development went beyond the narrow view of development as economic growth. People were at the centre of development as both actors and beneficiaries. Advances in economic, social and cultural rights were the main objectives of UNDP's programmes and projects. It had recently opted for a policy of integrating human rights into its sustainable human development programmes. It had had to face a major challenge: practical implementation of the rights-based approach to development. Commendable progress had been made in that area, but a great deal remained to be done.

27. In all regions of the world, UNDP country offices contributed to promoting economic, social and cultural rights by facilitating access to food, education, health care, housing, employment, social services and social security, and by improving conditions of work and participation in cultural life. They endeavoured in particular to ensure respect for the rights of vulnerable groups in the population by formulating and executing programmes aimed at promoting gender equality, eliminating racism and racial discrimination and protecting the rights of children, minorities, indigenous communities, people living with HIV/AIDS, refugees, internally displaced persons and the disabled.

28. In 1998 UNDP had stated its position regarding the promotion and protection of human rights in a document entitled "Integrating human rights with sustainable human development", in which it had recognized that human rights and sustainable human development were interdependent and mutually reinforcing. The Programme endeavoured to create the conditions for integration by strengthening the capacities of national democratic institutions and encouraging cooperation by NGOs. Although its interventions essentially took place at the country level, UNDP endeavoured not to lose sight of the global dimension of human rights by basing its activities on the decisions adopted at major United Nations conferences. It did not forget that those activities stemmed mainly from United Nations treaties, covenants, conventions and declarations. It also collaborated with all the United Nations agencies for the integration of human rights into their activities.

29. The Programme came up against two major problems, however. Firstly, no tool currently existed for a genuine analysis of programmes and projects from the human rights perspective, thus restricting the possibilities of action of the country offices in that regard. Secondly, UNDP suffered from inadequate funding for the implementation of its human rights policy. The international community as a whole needed to mobilize the resources needed for the promotion of human rights.

30. Ms. LALUMIÈRE (High Council for International Cooperation), summing up the thinking that had gone into improving respect for economic, social and cultural rights in the world, began by recalling that States had traditionally tended to entrust the management of human rights, and accordingly the management of economic, social and cultural rights, to special bodies that were so much outside the mainstream that they ended up as ghettoes. The United Nations High Commissioner for Human Rights had expressed her concern at the tendency to create ultra-specialized human rights institutions, and considered that such hyper-specialization could, in the long run, be a snare for the daily exercise of human rights. Human rights did indeed need specialists to advance human rights doctrine, but for there to be an effective impact everyone must take human rights to heart; they should be a part of each and every policy. It was an approach everyone should be following, including the economic and financial organizations such as the International Monetary Fund and the World Bank, notwithstanding the legal constraints relating to their status.

31. Secondly, if there was to be greater respect for economic, social and cultural rights, the list of rights must not be too long. Too exhaustive a list would be damaging to the effective enjoyment of rights and would be liable to result in difficult-to-control declarations with no legal force, violation of which would not be punished. Better protection of economic, social and cultural rights should under no circumstances be achieved at the expense of the balance between the list of recognized rights and the legal and political force which should attach to them to ensure that they were effective overall.

32. Thirdly, it was important to bear in mind that any discussion of the rights of the individual concerned extremely sensitive issues. One question worth asking was whether respect for economic, social and cultural rights was regarded as a genuine requirement, or whether those rights were merely "rights of the poor, Cinderella rights", or rights that were less well protected than civil and political rights. That question led to another, concerning the hierarchy of the various requirements: for example, was respect for the rights of the individual being made the absolute priority? Many would answer in the affirmative, but it was not self-evident.

33. Fourthly, the links between economic issues and economic, social and cultural rights should be examined. It might be asked, for example, whether an end should be made to structural adjustment policies because they violated the rights of one category of the population although serving the general interest. Questions such as whether respect for the rights of the individual was likely to hinder economic development showed that, even when the close positive correlations between respect for human rights and economic development were known, the doctrinal debate on that aspect of the question was far from over.

34. Every effort should be made to ensure that the same importance was given to economic, social and cultural rights as to other rights. She hoped that the draft additional protocol to the International Covenant on Economic, Social and Cultural Rights would be finalized as soon as possible, so that the nature of the rights set out in the Covenant and their legal force could be clarified and monitoring machinery and possible sanctions for the violation of those rights could be established.

35. Mr. LIM (World Trade Organization) recalled that the preamble to the Marrakesh Agreement establishing the World Trade Organization said that WTO's chief objective was to raise the living standards of all peoples, an objective also shared by the Covenant. He explained that WTO's prime aim was to ensure development, and that it was an important part of its activities. It was primarily an organization used by States to establish the international regulatory framework for free trade, to negotiate the rules of access to markets and to settle their trade differences.

36. Contrary to what some speakers seemed to think, the question was not whether WTO should set rules based on non-economic values or which met needs other than economic needs as opposed to economic rules, since the organization already had at its disposal an array of measures for legal protection incorporated in existing agreements. It would, however, perhaps be advisable to question the true effectiveness of those measures and to ascertain whether they had been adequately defined and whether they affected the general balance of rights and obligations established in the WTO agreements. Some of those questions, often raised in the context of trade negotiations, could unfortunately be resolved only through negotiation.

37. With regard to taking account of economic, social and cultural rights in trade negotiations under the auspices of WTO, it was not a question of trying to convince WTO but the States members of the organization. It was essential that those in favour of such an approach should prove to the Governments concerned that it could help them to promote their trade interests vis-à-vis other partners. Only the incorporation of those rights into the practice of States would allow for their effective enjoyment.

38. It should be recalled that if WTO was perceived as an extremely powerful organization, although it employed only 500 people, a third of whom were in the translation and documentation services while its budget was one of the smallest of the international agencies, it was because the States which had signed the WTO agreements asserted them forcefully. In fact, WTO was a weak organization which depended on powerful agreements. If economic, social and cultural rights were to guide Governments in their negotiations within international economic bodies, they must feel that those rights had specific applications from which they could benefit in order to achieve their objectives. That should be possible since 80 per cent of WTO's members were developing countries.

39. It should also be recalled that WTO, contrary to what might have been said, did not function outside the international legal framework and that the corpus of regulations it had helped to draw up was completely in accordance with the principles of international law. It was true that procedures for settling trade differences were sometimes so complex that confusion could arise in the minds of some as to what constituted a conflict or a dispute. From that point of view it was true that WTO needed to make genuine efforts for a better definition of concepts and the institutional framework on which they were based, as well as the agreements concluded under its auspices, but that should also apply to the human rights bodies. A better definition of the role and functions of each would enable areas of complementarity to be identified and in the long run make possible genuine progress on the integration of human rights into international commercial and financial policies.

40. Mr. SINGH (UNESCO) said that his organization had introduced a medium-term strategy for the period 2000-2007 with special stress on the promotion of human rights and cultural rights in particular, and recommended the implementation of a number of operational activities ranging from the organization of human rights seminars and training courses to the launching of national programmes of action.

41. UNESCO considered that the right to education, enshrined in article 13 of the Covenant, was both a fundamental right for the exercise of all human rights and a means of achieving all human rights; the Committee had endorsed that view in its General Comment No. 13 on the right to education.

42. One of the basic questions arising in that context was how to promote the right to education of the poorest individuals and encourage access to education in public expenditure programmes. It was of the highest importance to make it a universally binding right and to initiate a debate on the subject, with the accent on the obligations imposed on States by international law in that regard and on studying means of transforming those international legal obligations into nationally binding obligations. The essential role of education in the fight to eradicate poverty and illiteracy must also be reaffirmed.

43. Recalling that the Declaration adopted following the World Conference on Education for All (1990) asserted that every individual had the right to the satisfaction of his or her fundamental needs, he considered that it was a concept which should be clarified so as to enable a better assessment to be made of the progress since achieved on the question of the right to education. UNESCO was ready to help the Committee to draft further general comments on cultural rights, as it had done in the past, and to contribute to the implementation of the rights enshrined in the Covenant.

44. Mr. BARNEY PITYANA (South African Human Rights Commission) said that the human rights standards of the past 50 years had acquired a regulatory status which contributed to the principle of the international responsibility of States in that regard. It also meant that they could be appreciated from two different standpoints - as a system of moral values or as a system of legally binding international principles. If the two points of view were reconciled, objectives common to both could be attained, both within and outside the United Nations system, avoiding what the Director-General of ILO had referred to as the schizophrenia of the multilateral system.

45. It was also important to reconcile the objective of development with the human and economic values inherent in all policies of the last 50 years. Although theoretically there was agreement on what those values were, it was far from being the case in practical terms. The phrase "integration of human rights in the policies of the international organizations and in national development policies" needed to be clarified. No national policy could function on the basis of the criteria established by such organizations as UNDP or IMF and the means must be found of implementing the various policies and criteria adopted by those organizations, while bearing in mind principles fundamental to the exercise of democracy, such as respect for human dignity, equality and social justice.

46. Mr. CHERU (Independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights) expressed surprise that the question was

still being raised of whether the International Covenant on Economic, Social and Cultural Rights was also binding on the international financial institutions, including IMF. In his opinion, the reason that it had been necessary to organize a day of general discussion on the place of those rights in development activities was that the development debate had undergone a radical change and could not be understood unless human rights and international cooperation were taken into account. The aim of such a meeting was to pool the views, experience and know-how of each of the parties present - including the international financial institutions, subject to the same ties as States - in order to forge a consensus on the need to integrate macroeconomic and social policies in the drafting of development programmes. The International Monetary Fund could play a primordial role in that process and he welcomed the desire expressed by the Fund in the course of the past two years to initiate a dialogue with the human rights organizations in civil society. It should furthermore not be forgotten that one of the Fund's objectives was to give a proper place to human dignity.

47. Mr. KOTHARI (Special Rapporteur on adequate housing) noted that the day of general discussion had brought out the need to reiterate the moral and ethical imperatives flowing from the Covenant and to set up programmes of education in human rights for the decision-makers of the World Bank and IMF, who were not sufficiently well informed. He also stressed the incompatibility of economic growth with human rights, recalling that an exclusively growth-oriented policy, as had been the case in the last 20 years, necessarily gave rise to inequalities. Encouraging out-and-out growth to the detriment of the poorest was not acceptable, as the Committee had emphasized in its statement on Poverty and the International Covenant on Economic, Social and Cultural Rights.

48. He endorsed Mr. Hunt's proposals to enter more deeply into debate with the World Bank and IMF and to encourage the inclusion of human rights in Poverty Reduction Strategy Papers (PRSPs). The question of international cooperation needed to be tackled collectively and the international financial institutions encouraged to abandon their exclusively macroeconomic policy if part of mankind was not to continue to suffer.

49. Mr. SADI, coming back to the applicability of the Covenant, recalled that it had been ratified by 145 countries and for that reason was part of international customary law applicable to all. The Covenant moreover derived from the Charter of the United Nations and the Universal Declaration of Human Rights, the applicability and the universal nature of which could not be questioned. As far as article 24 of the Covenant, to which the Fund had referred, was concerned, no provision of the Covenant adversely affected the IMF Articles of Agreement, since the questions the Covenant dealt with differed from those with which IMF was concerned. No conflict between the two texts could therefore arise, and there was no legal obstacle to IMF's being bound by the Covenant.

50. Mr. HUNT welcomed the participation of the representative of IMF in the day of general discussion. In view of the latter's comments on the obligations of States parties in international cooperation and the impossibility for the members of IMF to allocate resources for purposes other than those defined by the Fund, he wished to remind him of the Committee's position, that a State party to the Covenant could not elude the obligations imposed on it by the Covenant in negotiations with the International Monetary Fund.

51. Mr. SFEIR-YOUNIS (World Bank) explained that international institutions frequently drew up a framework for action in a country but were not the first to implement it. The World Bank was a case in point; since the only parties with which it could deal were Governments, it could not intervene after a conflict which left a country adrift. In the interest of the individuals and countries in question, however, it was important that the institutions which were best placed to bring them the services needed should be the first to intervene. He wished to stress that, where human rights were concerned, the World Bank had implemented a number of strategies - programmes for the poor, for women and for children - and that it was regrettable that no account had been taken of them in the discussion.

52. Regarding the question of the conflict between growth and equity, he considered that, in view of the growth in the world's population, equity and economic growth could not be dissociated over the long term. He asked whether it was really necessary to make a choice between economic and human values. For some groups in society, economic values were also human values. It might indeed be wondered whether those values were not closely linked and whether, in the long term, production, distribution and consumption could not engender more economic, social and cultural rights.

53. Lastly, he said that he was perfectly prepared to learn more about human rights. It would also be desirable for everyone to be more familiar with the principles the World Bank defended as well as with economic principles.

54. Mr. GIANVITI (International Monetary Fund) said that IMF did not dispute the obligations devolving on it under articles 2 and 24 of the Covenant, particularly with reference to international cooperation. He wished, nevertheless, to point out that the representatives of States members of IMF were accountable to their respective legislative bodies. They could not use resources allocated to a given project for another project without the agreement of those bodies. Their room for manoeuvre was therefore extremely limited and they were required to comply with the obligations they had contracted nationally.

Third session: summaries and prospects

55. The CHAIRPERSON invited Mr. Rattray, and Mr. Massiah of the High Council for International Cooperation, to sum up the main topics addressed during the day of general discussion.

56. Mr. RATTRAY noted, as the Deputy High Commissioner for Human Rights had done, that international institutions could genuinely change the course of events and improve the lot of the most deprived. It seemed to emerge from the day of general discussion that international organizations and States were aware of the need to establish social programmes based on respect for economic, social and cultural rights, and thus achieve the full and complete realization of those rights. The international community must therefore take up an immense challenge: that of designing a mechanism capable of incorporating human rights in economic development. It also must take steps to ensure that the various human rights covenants and international instruments were also binding on the international organizations. It was in that context that a worldwide

social contract could be envisaged between the international institutions so that they could integrate and coordinate their activities in economic matters without neglecting the importance of human rights.

57. It seemed, moreover, that a consensus had emerged on the question of poverty, and that the parties had become aware of the importance of strategies to eradicate poverty in the effective enjoyment of all human rights. The accent had therefore been placed on the need for an integrated and coordinated approach by Governments, civil society and the international organizations to combat the international scourge of poverty.

58. Mr. MASSIAH (High Council for International Cooperation) began by referring to the importance of discussion in greater depth of the question of respect for economic, social and cultural rights in development policies and reviewed the suggestions regarding greater respect for those rights.

59. Several areas of reflection could be identified to broaden the debate. It might be interesting to consider and take account of the multiplicity of conceptions of development, situated between macroeconomic policies and social policies. It would also be advisable not to neglect the importance of public debate and the mobilization of civil society, since that produced progress, as could be seen from the victory over the pharmaceuticals industry in South Africa. He went on to stress the importance of the universality and enforceability of human rights. The question of appeals bodies was also fundamental, as could be seen from the discussion to which the WTO Dispute Settlement Body had given rise; WTO was the only body which enabled the various components of civil society to take part in the debate on the conception of development. Lastly, the question of co-responsibility of rights was also fundamental.

60. Among the suggestions regarding greater respect for rights, he mentioned encouraging States to incorporate economic, social and cultural rights in strategies to reduce poverty. As far as the specialized agencies were concerned, the discussion had turned on the question of whether they could be made subject to obligations contracted by their member States and the role of civil society in reminding States of their responsibilities. Several suggestions had been put forward in that regard, including the idea of a social contract advanced by the Secretary-General of the United Nations, or that of other partnerships with the Commission, such as the appointment of an expert for the follow-up of each of the rights. The aim was in any case to ensure that the international organizations followed the development of society. As for the economic instruments available to States, they could be summed up for the most part by the Poverty Reduction Strategy Papers (PRSPs) in which a "human rights" component should be incorporated. Making civil society aware of questions of economic, social and cultural rights could lead to the creation of a common public opinion, worldwide, which would keep abreast of those rights and act as a universal conscience. It would also be important to encourage the States concerned to make efforts to ensure that the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights was finalized and adopted as rapidly as possible.

61. In conclusion, he stressed his organization's desire to work in consultation with the Committee and said that he would initiate reflection on global public property at a seminar to be held in September 2001 on public development assistance and the financing of development.

62. The CHAIRPERSON thanked all participants in the day of general discussion and, in particular, all those who, through their written and oral statements, had made it possible to advance thinking on economic, social and cultural rights in the development activities of the international institutions.

The meeting rose at 6.05 p.m.